IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3917 of 2005

Between:

1 P.V. Krishnam Raju, S/o. P.S.N. Raju,
R/o. Plot No. 32, North Extension, Seethammadhara,
Visakhapatnam.
2 Rednam Ahi Krishna, S/o. Late Dharma Rao,
R/o. D.No. 30-15-50, Daba Gardens, Visakhapatnam.

..... PETITIONERS

AND

1 The Superintending Engineer,

Assessments Circle, A.P. Eastern

Power Distribution Company Limited, Opp: Green Park, Waltair

Main Road, Gujuwaka Junction, VIsakhapatnam.
2 The Divisional Engineer, Assessments A.P.E.P.D.C. Ltd.
Opp: Green Park, Waltair Main Road,
Gujuwaka Junction, Visakhapatnam.
3 The Asst. Divisional Engineer, Distribution, A.P.E.P.D.C. Ltd.
Opp: Green Park, Waltair Main Road,
Gujuwaka Junction, Visakhapatnam.
4 The Assistant Engineer, Operation, A.P.E.P.D.C. Ltd.,
Zone-I, Daba Gardens, Visakhapatnam.
5 Narayanabatla Subrahmanyam @ Metla Subramanyam,

Visakha Colour Lab, 30-15-50, Daba Gardens,

Visakhapatnam.
6 Narayanabatla Padmavathi @ Metla Padmavathi W/o.

Subrahmanyam, Visakha Colour Lab, 30-15-50, Daba

Gardens, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the order of the 2nd respondent vide proceedings No. DE /A/VSP/Doc.No. VSPI-2340/D.No. F.O. 135/04, dt. 30-4-2004 as affirmed by the 1st respondent in his proceedings SAP/1788/VSP/DZ1/VSP/A/F.485/D.NO.2665, dt. 7-12-2004 as bad, arbitrary and contrary to the provisions of Indian Electricity Act 1910 as amended, for violation of principles of natural Justice and set-aside the same.

Counsel for the Petitioners: Ms. M.VIDYAVATHI

Counsel for the Respondents 1 to 4: Mrs. M.SRIRAMULU REDDY (SC FOR APTRANSCO)

The Court at the admission stage made the following :

ORDER:

Heard both sides and at their request this case is taken up for disposal at the stage of admission.

2. The only complaint of the petitioner in this Writ Petition is that the appellate authority while disposing of the appeal had not followed the procedure contemplated under Section 127 of the Indian Electricity Act 2003 (for short, “the Act”).

3. Section 127 of the Act contemplates that an opportunity of personal hearing should be given before passing the final orders in the appeal. A perusal of the impugned order passed by the respondent-appellate authority would only reveal that no such opportunity of personal hearing had ever been accorded to the petitioner. This Court is not going to the other aspects or merits of the case in any manner.

4. Only on the ground that personal hearing was not given to the petitioner, which is mandatory as per Section 127 of the Act, the impugned order is liable to be set aside and accordingly, the same is set aside.

5. Accordingly, the Writ Petition is allowed with a direction to the respondent to give an opportunity of personal hearing to the petitioners and dispose of the appeal afresh with reasons uninfluenced by the reasons recorded in the impugned order. This exercise shall be completed within four weeks from the date of receipt of a copy of this order, however, subject to the
co-operation of the petitioner.

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(D.S.R.VARMA,J)

1st March, 2005.

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To

1 The Superintending Engineer,

Assessments Circle, A.P. Eastern

Power Distribution Company Limited,

Opp: Green Park, Waltair

Main Road, Gujuwaka Junction, VIsakhapatnam.

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5 Two CD copies.